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13
14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

16 CLAY BURGON,
17 Petitioner,
18 v.
19 BRIAN WILLIANS,
20 Respondents.

21 Case No. 2:14-cv-01128-RFB-CWH

22 **UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE
OPPOSITION TO MOTION TO
DISMISS
(FIRST REQUEST)**

23 Petitioner Clay Burgon, by counsel, moves this Court for the entry of Order
24 extending the time within which he must file an Opposition to Motion to Dismiss by
25 45 days from October 2, 2017 to and including November 16, 2017. Burgon's
26 request is based on the record in this case and the attached Points and Authorities.
The state, by Deputy Attorney General Matthew S. Johnson, does not object to this
request.

POINTS AND AUTHORITIES

1. On March 31, 2016, the Office of the Federal Public Defender was appointed as counsel for Petitioner, Clay W. Burgon (ECF No. 24). Undersigned counsel filed her appearance on August 22, 2017 (ECF No. 47).

2. This is Burgon's first request for an extension of time. This motion is not filed for the purposes of delay but in the interests of justice, as well as in the interests of Burgon.

3. Counsel's schedule and circumstances beyond her control have precluded her from meeting the current deadline of October 2, 2017. Counsel began employment with the Federal Public Defender District of Nevada on August 14, 2017. Counsel filed an amended petition on September 15, 2017. In addition, counsel filed a time-sensitive petition for writ of habeas corpus in the Eighth Judicial District Court on September 20, 2017. Counsel has also scheduled client visits with all of her new clients, and therefore she has had to become acquainted with all of their cases in a short period of time. Furthermore, counsel is preparing an evidentiary hearing scheduled for October 24, 2017.

4. On September 27, 2017, counsel e-mailed Deputy Attorney General Matthew S. Johnson regarding her requested extension. On September 27, 2017, he responded that he does not object to this request.

5. The requested extension is necessary for counsel to complete her review of the case and to draft and file the Opposition to Motion to Dismiss. For these reasons, as well as the record in this case, Burgon respectfully asks this Court to grant his request to extend the time for filing an opposition by 45 days until November 16, 2017.

1 Dated this 2nd day of October, 2017.

2 Respectfully submitted,

3 RENE L. VALLADARES
4 Federal Public Defender

5 /s/ Kimberly Sandberg

6 KIMBERLY SANDBERG
7 Assistant Federal Public Defender

8 IT IS SO ORDERED:



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10 RICHARD F. BOULWARE, II
11 United States District Judge
12 DATED this 4th day of October, 2017.
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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Matthew S. Johnson.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Clay Burgon
No. 87633
High Desert State Prison
PO Box 650
Indian Springs, NV 89070

/s/ *Jessica Pillsbury*
An Employee of the
Federal Public Defender